

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:11-cr-249-01

v.

HONORABLE PAUL L. MALONEY

DANNY LEE SIMILA, JR.,

Defendant.

\_\_\_\_\_ /

**MEMORANDUM OPINION AND ORDER**

Defendant Danny Lee Simila, Jr. has filed a motion for modification or reduction of sentence pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to drug quantity.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to drug quantity, and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10(c).

However, Amendment 782 provides defendant with no relief due to the calculation of his sentence on Count One under U.S.S.G. § 2K2.1. Likewise, Amendment 782 provides no relief on Count Two in that his sentence of 14 months is lower than any resulting guideline after its application. Accordingly,

**IT IS HEREBY ORDERED** that Defendant Danny Lee Simila's motion modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (ECF No. 35) is **DENIED**.

Date: February 11, 2015

/s/ Paul L. Maloney

Paul L. Maloney  
Chief United States District Judge